

SWIS-1 27-AA-0006

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

CEASE AND DESIST ORDER NO. 97-42

MAY 30, 1997

ORDER REQUIRING THE COUNTY OF MONTEREY, JOLON ROAD LANDFILL COMPANY, UNITED WASTE SYSTEMS OF CALIFORNIA AND JAMES M. CARROLL, SHARON CARROLL, JAMES RATTO AND DIANNA RATTO TO CEASE AND DESIST FROM DISCHARGING WASTE AT THE JOLON ROAD CLASS III LANDFILL CONTRARY TO REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COAST REGION

The California Regional Water Quality Control Board, Central Coast Region (hereafter Board), finds:

1. James M. Carroll, Sharon Carroll, James Ratto and Dianna Ratto own the parcel of land of which the County of Monterey Department of Public Works leases 496 acres for the Jolon Road Class III Landfill. The Jolon Road Landfill Company operates the Jolon Road Class III Landfill.
2. The County of Monterey, the Jolon Road Landfill Company, and James M. Carroll, Sharon Carroll, James Ratto and Dianna Ratto (hereafter collectively Dischargers) discharge waste at the Jolon Road Class III Landfill (hereafter Landfill) and are responsible for compliance with waste discharge requirements.
3. The discharge is subject to Waste Discharge Requirements Order No. 95-13 adopted by the Board February 15, 1995. Waste Discharge Requirements implement state and federal regulations.
4. Order No. 95-13 specifies in Part B (Discharge Specifications):
 - a) "By October 1 of each year, all necessary runoff diversion and erosion prevention measures shall be implemented. All necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion or Landfill flooding and to prevent surface drainage.
 - b) By October 1 of each year, vegetation shall be planted and maintained over all Landfill slopes within the entire Landfill area to prevent erosion.
 - c) All Landfill surfaces and working faces shall be graded and operated to minimize rainfall infiltration into wastes, to prevent ponding of water, and to resist erosion.
 - d) All Landfill unit(s) which remain inactive over one-year, must be provided with an Executive Officer approved long-term intermediate cover."

5. On October 2, 1995 Regional Board Staff inspected the Landfill and found Dischargers to be in violation of Order No. 95-13, as described in specifications listed in 4a) and 4b) above by failing to provide positive drainage to divert rainfall runoff from areas containing waste and by failing to plant and maintain vegetation on all landfill slopes by October 1 as required.
6. On November 25, 1996, January 16, 1997, and February 4, 1997, Regional Board Staff observed significant erosion on landfill slopes. On February 4, 1997 landfill slopes were observed to be eroded to the point of exposing refuse and allowing storm runoff to flow directly into refuse. Dischargers were found to be in violation of Order No. 95-13 as described in 4c) above by failing to grade and operate all landfill surfaces to minimize rainfall infiltration into wastes and to resist erosion.
7. Dischargers failed to submit an adequate long-term intermediate cover design report by August 15, 1995 as required by Order 95-13. Certain landfill units, including the seepage spreading area, have been inactive for over one year and Dischargers have failed to propose or provide inactive units with an Executive Officer approved long-term intermediate cover as required by Order No. 95-13 as described in 4d) above. The site is therefore in violation of Order No. 95-13.
8. The County of Monterey filed a Notice of Intent and on October 24, 1992 was issued an NPDES permit under the statewide General Industrial Activity Storm Water Permit (hereafter General Permit) for the Jolon Road Class III Landfill.
9. The County of Monterey has failed to implement its Storm Water Pollution Plan (SWPPP) by October 1, 1992 as required by the General Permit by failing to: 1) construct a sedimentation basin, 2) construct new drainage ditches and 3) revegetate and mulch existing slopes.
10. As a result of failure to implement an SWPPP and failure to comply with Discharge Specifications of WDR Order No. 95-13 related to erosion control, Dischargers have allowed sediments and other pollutants to be discharged to waters of the State.
11. Present and anticipated beneficial uses of the Salinas River in the vicinity of the Landfill include municipal and agricultural supply, industrial supply, groundwater recharge, contact water recreation, non-contact water recreation, wildlife habitat, warm freshwater habitat, and fish migration.
12. After due notice to the Dischargers, the Board, on May 30, 1997, in Salinas, California, held a public hearing at which evidence was presented concerning adoption of a time schedule for achieving full compliance with conditions of Waste Discharge Requirements and the General Permit.
13. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

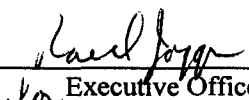
IT IS HEREBY ORDERED, pursuant to Section 13301 of the California Water Code:

1. Dischargers shall cease and desist from discharging waste in violation of Waste Discharge Requirements Order No. 95-13 according to the following time schedule:

<u>Task</u>	<u>Due Date</u>
Submit a plan for construction of a sedimentation basin, drainage ditches, and long-term intermediate cover for Modules 1, 2, 4A and the septage spreading area or modify existing proposals such that the plan is acceptable to the Executive Officer	AUGUST 31, 1997
Submit a plan that is acceptable to the Executive Officer for long-term erosion control (e.g. vegetation) and maintenance of all slopes, including the excavation area for Module 4, to minimize infiltration	AUGUST 31, 1997
Submit a plan that is acceptable to the Executive Officer for management of runoff from the transfer station, and monitoring and management of leachate from the leachate collection and removal system	AUGUST 31, 1997
Begin and continuously implement runoff and leachate management plan	OCTOBER 30, 1997
Complete construction of the sedimentation basin, drainage ditches, and long-term intermediate cover	OCTOBER 30, 1997

2. Dischargers shall notify this office in writing seven days prior to the commencement and prior to the conclusion of all construction.
3. If, in the opinion of the Executive Officer, Dischargers fail to comply with the provisions of the Order, including compliance with the above mentioned schedule, the Executive Officer is authorized to: 1) request the Attorney General to take appropriate enforcement action against Dischargers, including injunction and civil remedies, if appropriate; 2) issue an Administrative Civil Liability Complaint; or 3) refer the matter back to the Board for further enforcement action.

I, Roger W. Briggs, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region on May 30, 1997.


for Executive Officer